



DEPARTMENT OF THE NAVY  
BASE REALIGNMENT AND CLOSURE  
PROGRAM MANAGEMENT OFFICE WEST  
33000 NIXIE WAY, BLDG 50 Suite 207  
SAN DIEGO, CA 92147

5720  
Ser BPMOW.hmw/249  
August 1, 2019

Mr. Jason Fagone  
San Francisco Chronicle  
901 Mission Street  
San Francisco, CA 94103

Dear Mr. Fagone:

This letter responds to your Freedom of Information Act (FOIA) request of August 14, 2018 in which you seek the following:

*All emails received by Navy personnel from Thorpe Q. Miller, a former radiological data analyst with the Navy contractor Tetra Tech EC Inc. Additionally, all other Navy records that mention or involve Thorpe Q. Miller, including any opinions, memos, or communications produced by Navy legal staff regarding Miller's employment with Tetra Tech EC, or his employment with any other Navy contractors or subcontractors.*

Your request was received by this office on March 12, 2019 and assigned file number DON-NAVY-2018-010497. On April 8, 2019, our office indicated that we would provide a date by May 31, 2019. On May 31, 2019, our office provided a partial response containing 10 records.

Today's response is the final response from the Navy for the documents you requested. Seventeen records have been identified as responsive. One of those records has been deemed fully exempt under FOIA Exemptions 5, 6, and 7(C) (5 U.S.C. § 552 (b)(5), (b)(6) and (b)(7)(C)), another is fully exempt under FOIA Exemption 5 (5 U.S.C. § 552 (b)(5)) and are not releasable under FOIA. The 15 records that are being released do not have any exemptions applied and are released to you in their entirety. One additional potentially responsive record was created by the United States Environmental Protection Agency (US EPA). That record will be transferred to US EPA along with your FOIA request. As the generator of that record, US EPA should make a release determination and respond directly to you. The contact information for the FOIA office within US EPA where your FOIA request and record was transferred is:

National FOIA Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2310A)  
Washington, DC 20460

Please be advised that fees associated with the processing of your request are waived in this instance.

5720  
Ser BPMOW.hmw/249  
August 1, 2019

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy  
Office of the General Counsel (ATTN: FOIA APPEALS)  
1000 Navy Pentagon, Room 5A532  
Washington, DC 20350-1000

Your appeal, if any, must be transmitted (if appealing by FOIA ONLINE) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or 703-697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Any questions concerning this matter should be directed to Ms. Heather Wochnick who may be contacted at [heather.wochnick@navy.mil](mailto:heather.wochnick@navy.mil) or 619-524-4605.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kimberly A. Ostrowski', with a long horizontal flourish extending to the right.

KIMBERLY A. OSTROWSKI  
Director